

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

F-5a

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TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Steven F. Scholl, Deputy Director
Chris Kern, North Central Coast District Supervisor
Virginia A. Esperanza, North Central Coast District Program Analyst

SUBJECT: **City of Half Moon Bay Major Local Coastal Program Amendment 1-00
(Residential Development Standards)**

SUMMARY OF STAFF RECOMMENDATION

The City of Half Moon Bay's certified Zoning Code currently contains standards for residential development. The proposed amendment involves changes to these residential development standards to preserve community character and to reduce the size and bulk of new residential structures. In addition to standards affecting residential development on all lots, new standards are proposed specifically for residential development on substandard lots. As proposed, the standards strengthen the existing standards and would improve the visual quality of the City through the siting and design of single-family residences. The proposed amendment may also result in additional benefits such as potential improved water quality due to the decrease in lot coverage and fewer cumulative traffic impacts caused by possible substandard lot merges to create conforming lots. Overall, the proposed amendment would set more appropriate controls on the development of single-family residences in the City that would produce a beneficial cumulative effect on coastal resources. With the adoption of the proposed amendment, the Zoning Code would be fully consistent with and adequate to carry out the policies of the certified Land Use Plan. Staff recommends approval of the proposed Zoning Code amendment as submitted.

1.0 BACKGROUND

In 1999, the City of Half Moon Bay City Council directed the Planning Department staff to prepare an amendment to the certified Local Coastal Program (LCP) Zoning Code that would establish new standards for the development of single-family residences on substandard lots. To achieve this goal, a subcommittee of the City's Architectural Review Committee prepared draft recommendations to amend two chapters of the Zoning Code: Chapter 18.02 (Definitions) and Chapter 18.06 (Residential Land Use). The Committee is also in the process of producing a design manual to assist the public with planning single-family residences on substandard lots that conform with the proposed Zoning Code standards. (The design manual is intended for guidance only and is not included as an amendment to the Zoning Code.)

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The City Planning Commission adopted the proposed Zoning Code amendment on March 23, 2000. Subsequently, the City Council adopted the proposed amendment on July 18, 2000 (**Exhibit 1**). The Commission staff received the City's application for the amendment request on August 16, 2000 and, after the City provided additional information, determined that the application was legally adequate to comply with the requirements of Section 30510(b) of the California Coastal Act. The Commission staff filed the application as complete on February 16, 2001.

Because of staffing constraints, staff was not able to prepare a staff recommendation for Commission action within 60 days of the filing of the amendment application as required by Sections 30513 and 30514(b) of the Coastal Act. Consequently, on April 12, 2001, the Commission extended the 60-day time limit for action on the Zoning Code amendment to a limit of up to one year, pursuant to Coastal Act Section 30517.

2.0 STANDARD OF REVIEW

Section 30513 of the Coastal Act states:

...

The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

...

The standard of review for the proposed Zoning Code amendment are the policies of the City's certified Land Use Plan. Therefore, to approve the proposed amendment to the Zoning Code, the Commission must find that the Zoning Code as amended conforms with and is adequate to carry out the City's certified Land Use Plan.

3.0 STAFF RECOMMENDATION

The staff recommends that the Commission certify the amendment to the Zoning Code as proposed.

MOTION:

I move that the Commission reject Amendment 1-00 of the certified Local Coastal Program Zoning Code as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the amendment to the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY AMENDMENT TO ZONING CODE AS SUBMITTED:

The Commission hereby certifies Amendment 1-00 of the certified Local Coastal Program Zoning Code as submitted and adopts the findings set forth below on grounds that the Zoning Code Amendment conforms with and is adequate to carry out the

provisions of the certified Land Use Plan. Certification of the Zoning Code Amendment will meet the requirements of the California Environmental Quality Act, because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Zoning Code on the environment, or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Zoning Code.

4.0 EFFECTIVENESS OF AMENDMENT

Coastal Act Section 30514(a) states that the local government may amend its certified LCP and implementing ordinances, regulations, and other actions, but until the Commission certifies the amendment, the amendment shall not take effect. In accordance with Section 13551 of the Commission regulations, if the Commission certifies the amendment as submitted, because the local government's resolution of submittal so requested, the amendment shall take effect immediately. However, if the Commission certifies the amendment as submitted but with additional modifications, the local government must subsequently approve the modifications suggested by the Commission, and the Executive Director in turn must confirm the local government's approval before the amendment becomes effective.

5.0 INDEPENDENT CITY ACTIONS

Since the City's adoption of the proposed amendment on July 18, 2000, the City has imposed the following prior-to-issuance-of-building-permit condition on approved coastal development permits for single-family residences that do not conform to the development standards proposed under this amendment:

COMPLIANCE REQUIRED AT TIME OF CONSTRUCTION. The project does not comply with new single-family residential zoning standards adopted by the City but not yet certified by the Coastal Commission as an amendment to the LCP. The applicant has been advised that the single-family residential standards in effect at the time the building permit is issued will govern. Given this knowledge, the applicant is advised, if the new ordinance is certified by the California Coastal Commission prior to obtaining a building permit and commencement of construction, the building permit cannot be issued for the plans that are approved with this permit.

The Commission's permit review authority is limited to coastal development permits and does not include other permits that the City may require, such as building permits. The City's authority to place restrictions on building permits such as that listed above is pursuant to an authority other than the Coastal Act. In any case, it should be noted that if a coastal development permittee proposes to change the design of a house to obtain a building permit that complies with the development standards proposed under this Zoning Code amendment, an amendment to the previously-approved coastal development permit would be required. Such amendment would be subject to the standards of the certified Local Coastal Program in existence at the time the proposed amendment is acted on.

6.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

6.1 Amendment Description

Historically, many residences in the Mid-Coast region of San Mateo County, including what is now the City of Half Moon Bay, consisted of small houses or cottages on relatively small lots. Two typical existing small lot sizes are 25 by 100 feet and 35 by 110 feet. In recent years, much larger houses have been constructed, sometimes maximizing what can be built consistent with height and setback requirements of the certified LCP. The changes proposed to the implementation portion of the Half Moon Bay Local Coastal Program would establish more restrictive house size, shape, and design regulations for single-family residential zoning districts in the City.

The proposed amendment in its entirety is attached with additions underlined and deletions in ~~strike through~~ in **Exhibits 2 and 3**.

The list below briefly describes the proposed residential development standards that would apply to both standard and substandard lots. The findings in Section 5.0 contain additional discussion of certain standards as indicated.

- Maximum Building Envelope (18.06.040.G) Increases the setbacks for portions of residences in the single-family residential zones (Zones R-1, R-1-B1, and R-1-B2) above a certain height. This standard reduces the bulk of the tallest portions of the residences and subsequently increases the “daylight plane” between adjacent residences. See Section 5.3.1 below.
- Floor Area (18.02.040) Modifies the Zoning Code definition of floor area to include basements and crawl spaces that are greater than 4 ½ feet from floor to ceiling and improved attics. See Section 5.3.4 below.
- Single-Story Height Limit (18.06.030) Specifies that an exception is required for single-story residences greater than 16 feet in height and that the maximum allowable height for single-story residential structures *with an exception* is 20 feet. Currently, the LCP provides no specific limit to the height allowable through City approval of an exception. See Section 5.3.2 below.
- Corner Lot Setback (Street-Facing Side Yard Setback) (18.06.030 and 18.06.050.G) Increases the street-facing side-yard setback for corner lots from 10 to 20 feet for standard-sized lots. The street-facing side yard setback for severely substandard lots such as 25-foot-wide by 100-foot-long lots would be 10 feet. See Section 5.3.3 below.
- Corner Lot Sight Distance (18.06.040.B.4) Increases the distance required for street visibility from corner lots by extending the measurement for sight distance area from 15 to 25 feet on both side of the corner lot, and allows for increased sight distance areas on a case-by-case basis. Requires site-distance safety review for development of corner lots. See Section 5.3.3 below.
- Definition of Development (18.02.040) Eliminates an inconsistent definition of the term “development” from the Zoning Code. Remaining definitions in Appendix A of the Land Use Plan and Section 18.20.020.C is the same as the Section 30106 Coastal Act definition. See Section 5.3.4 below.

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- Definition of Structure (18.02.040) Modifies definition of “structure” to specifically exclude infrastructure or walls or fences shorter than six feet in height and to include access drives and walks. See Section 5.3.4 below.
- Definition of Lot Area (18.02.040) Defines "lot area" as the square footage of a legally subdivided parcel, excluding public easements for street use.
- Definition of Lot Depth (18.02.040) Revises definition of "lot depth" to determine depth by the average distance between front and rear lot lines, rather than the distance between the midpoints of the lines.
- Definition of Lot Width (18.02.040) Modifies "lot width" definition to mean the average distance between side lot lines, rather than the average of the lengths of the rear and front lines.
- Definition of Second Dwelling Unit (18.02.040) Modifies definition of "second dwelling unit" to mean a rental dwelling located on a lot within a single-family residential zone, instead of located solely on R-1 lots.

The following provisions would apply only to residential development on substandard and severely substandard lots. Further discussions on these proposed changes are specifically referenced below.

- Definition of Substandard Lot (18.02.040) Adds definition of "substandard lot" to Definitions chapter of Zoning Code. A "substandard lot" is defined as a lot that provides less than the required lot width or area in the relevant zoning district. See Section 5.3.4 below.
- Definition of Severely Substandard Lot (18.02.040) Defines “severely substandard lot” in the Definitions chapter of the Zoning Code as a lot that provides 55 percent or less of the required lot width or area required in the relevant zoning district. See Section 5.3.4 below.
- Exceptions (18.02.050) Allows fewer exceptions for development of substandard and severely substandard lots than are provided under the current Zoning Code.
- Proportionality Rule (18.02.040) Adds Proportionality Rule to Zoning Code to reduce lot coverage and floor area by the ratio of the actual lot width or area to the minimum lot width or area for the relevant zoning district. See Section 5.4.1 below.
- Regulatory Structure for Substandard Lots (18.060.050.G) Eliminates the Administrative Variance for development on lots zoned for single-family residences between 85 and 99.9 percent of the minimum lot area or lot width for the relevant zoning district. Restricts the administrative exception to development on lots having the minimum required lot area and having within 5 percent of the minimum lot width. Requires a Use Permit for development on lots with less than the minimum lot area or within 5 percent of the minimum lot width. See Section 5.4.1 below.
- Basement Exception to Floor Area (18.060.050.G) Allows the exemption of 15 percent of the allowed floor area, up to 225 square feet, from the floor area ratio calculation subject to findings in the Use Permit.
- Design Guidelines (18.060.050.H and 18.060.050.I) Requires the design of development on substandard lots by a licensed architect. Also requires the Architectural Design Review

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committee to review setbacks, front façade, orientation to the street, side orientation to adjacent properties, daylight plane, mass, and bulk in the determination of project compatibility with the neighboring area. See Section 5.4.2 below.

- Chimney and Other Encroachments (18.06.050.E) Prohibits chimney or any other encroachment in setbacks for development on severely substandard lots and allows chimney encroachments and no other encroachments in the development setbacks of substandard lots.

6.2 Relevant Local Coastal Program Policies

6.2.1 Relevant Policies in Current Certified Land Use Plan

LUP Policy 1-1 states:

The City shall adopt those policies of the Coastal Act (Coastal Act Sections 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.

LUP Policy 1-4 states:

Prior to the issuance of any development permit required by this Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan policies.

LUP Policy 4-9 states:

All development shall be designed and constructed to prevent increases in runoff that would erode natural drainage courses. Flows from graded areas shall be kept to an absolute minimum, not exceeding the normal rate of erosion and runoff from that of the undeveloped land. Storm water outfalls, gutters, and conduit discharge shall be dissipated.

LUP Policy 7-5 states:

All new development, including additions and remodeling, shall be subject to design review and approval by City Architectural Review Committee.

LUP Policy 7-8 states in relevant part:

New development, alterations to existing structures, and proposed demolitions in the downtown area, as designated on the Visual Resource Overlay Map, shall be subject to design approval in accordance with the following criteria:

(a) Scale and style similar to that of the predominant older structures.

(b) Continuity in building lines maintained along Main Street

...

LUP Policy 7-11 states:

New development along primary access routes from Highway 1 to the beach, as designated on the Land Use Plan Map, shall be designed and sited so as to maintain and enhance the scenic quality of such routes, including building setbacks, maintenance of low height of structures, and landscaping which establishes a scenic gateway and corridor.

LUP Policy 7-12 states in relevant part:

In areas affording broad views of the ocean from Highway 1 as indicated on the Visual Resources Overlay Map, all new development shall be reviewed by the Planning Commission to ensure conformance with the following criteria:

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(a) Structures shall be sited and designed to preserve unobstructed broad views of the ocean and shall be clustered to the maximum extent feasible.

...

(c) Building height shall not exceed one story or 15 feet, unless an increase in height would not obstruct public views to the ocean from the Highway or would facilitate clustering of development so as to result in greater view protection.

LUP/Coastal Act Policy 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

LUP/Coastal Act Policy 30250 states in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

...

LUP/Coastal Act Policy 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LUP/Coastal Act Policy 30252 states in relevant part:

The location and amount of new development should maintain and enhance public access to the coast....

6.2.2 Relevant Policies in Current Certified Zoning Code

Subdivision Code Ordinance 17.28.010 states:

Two or more parcels of real property may be merged by the Planning Commission when the following conditions are met:

- A. The parcels are contiguous.*
- B. The parcels have the same ownership as of the date that notice of intention to determine status is recorded.*

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- C. At least one of the parcels is nonconforming, having an area less than the minimum prescribed area for the zoning district in which they are located.*
- D. At least one of the parcels is either:*
 - 1. Undeveloped, having no structure on it for which a building permit is required (at the time of notice of intention to determine status), or*
 - 2. Developed only with an accessory building, or*
 - 3. Developed with a structure for which a building permit is required at the time of notice of determination of status, located partially on it; and partially on the contiguous parcel.*
- E. At least one or more of the conditions exist with respect to any affected parcel, at the time of notice of determination of status:*
 - 1. It comprises less than 5,000 square feet in area.*
 - 2. It was not created in conformance with applicable laws and ordinances in effect at the time of its creation.*
 - 3. It does not meet current standards for sewage disposal and domestic water supply.*
 - 4. It does not meet slope stability standards.*
 - 5. It has no legal access which is adequate for vehicular and safety equipment access and maneuverability.*
 - 6. Its development would create health or safety hazards.*
 - 7. It is inconsistent with the General Plan, and any specific plan for reasons other than minimum parcel size or density standards.*

Zoning Code Ordinance 18.02.040 states in relevant part:

Lot: A site or parcel of land that has been legally subdivided, re-subdivided, or combined.

Zoning Code Ordinance 18.20.025 states in relevant part:

Unless otherwise exempted, all development as defined in Section 18.20.020.C in the City of Half Moon Bay requires a Coastal Development Permit. The Coastal Development Permit must be approved prior to the commencement of the development and shall be required in addition to any other permits or approvals required by the City. A local Coastal Development Permit may be combined with any other permit application. When not feasible to combine a Coastal Development Permit with one or more applications, it may be processed concurrently with or prior to any other procedures required by this Title or the Municipal Code. Prior to initiating the review process for any discretionary or ministerial permits in the City, the Planning and Building Director shall determine the feasibility of concurrent or prior processing of the Coastal Development Permit.

...

Zoning Code Ordinance 18.20.070 states:

A Coastal Development permit may be approved or conditionally approved only after the approving authority has made the following findings:

- A. Local Coastal Program. The development as proposed or a modified by conditions, conforms to the Local Coastal Program.*

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- B. Growth Management System. The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance;*
- C. Zoning Provisions. The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance;*
- D. Adequate Services. Evidence has been submitted with the permit application that the proposed development will be provided with adequate services and infrastructure at the time of occupancy in a manner that is consistent with the Local Coastal Program; and*
- E. California Coastal Act. Any development to be located between the sea and the first public road conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.*

Zoning Code Ordinance 18.21.010 states in relevant part:

The purpose of establishing the design review process set forth in this Chapter is:

- A. To determine whether proposed projects are in compliance with the regulations in this Chapter;*
- B. To promote the orderly and harmonious development of the City's existing and new residential neighborhoods;*
- C. To ensure that new development, alterations to existing structures and proposed demolition in the downtown historic area will be subjected to design review; and*

...

Zoning Code Ordinance 18.21.020 states in relevant part:

Prior to the issuance of any Building Permits for new construction, alterations, or additions to any residential, commercial, industrial, or institutional building, the Planning Director shall review the plans submitted for each proposed project to establish the appropriate level of review as set forth herein:

A. Residential Projects:

1. Approval by the Architectural Review Committee is required:

- a. For the construction of any new residence or accessory structure on a property within the Downtown Historic Area, and for any alterations or additions to an existing residence within the Downtown Historic Area.*

...

- c. For any new residential structure or modifications to an existing structure requiring a discretionary permit such as a Parking Exception, Variance, or Use Permit.*
- d. For the construction of a new single family residence or remodels and additions to an existing residence, accessory structures, or site improvements which may otherwise be exempt from the provisions of the Chapter that the Planning Director has determined may not be consistent with the Standards for Review set forth in this Chapter. ...*

...

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Zoning Code Ordinance 18.21.030 states in relevant part:

In carrying out the purposes of this section, the Planning Director, Architectural Review Committee, and Planning Commission shall consider in each specific case any and all of the following as may be appropriate:

- A. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood;*
- B. All structures shall be in good proportion; have simplicity of mass and detail; shall not strive for picturesque effect; there shall be an appropriate use of materials; colors shall be in good taste and never harsh or garish, but in harmony with themselves and their environment;*
- ...*
- E. The size, location and arrangement of on-site parking and paved areas;*
- ...*
- G. All of the above factors shall be related to the setting or established character of the neighborhood or surrounding area.*

Zoning Code Ordinance 18.21.035 states:

The Planning Director, Architectural Review Committee, and Planning Commission shall determine from the data submitted whether the proposed project will be in conformance with the provisions of this Chapter and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted, or may be approved subject to conditions, specified changes and additions. In approving any project, the Planning Director, Architectural Review Committee, and Planning Commission shall find that such buildings, structures, planting, paving and other improvements shall be so designed and constructed that they will not be of unsightly or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the City, impair the desirability or opportunity to attain the optimum use and the value of the land and the improvements, impair the desirability of living or working conditions in the same or adjacent areas and/or otherwise adversely affect the general prosperity and welfare.

Zoning Code Ordinance 18.22.010 states in relevant part:

Use permits, conditional use permits, revocable use permits and use permits valid for a term of one year, may be issued for any of the following:

- A. Any of the uses or purposes for which permits are required or permitted by the provisions of this title;*

...

Zoning Code Ordinance 18.22.190 states in relevant part:

...

- B. In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.*
- C. In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection herewith, as will, in its opinion, secure substantially the objectives of this Title as to light, air and the public health, safety, morals, convenience and general welfare. Said Commission shall require such evidence and guarantees,*

including bonds, as it deems to be necessary to obtain compliance with the conditions designated in connection therewith.

...

6.3 Zoning Methods to Control House Size on Standard, Substandard, and Severely Substandard Lots

The Visual Resources chapter of the Half Moon Bay LUP states:

Where development is appropriate, guidelines are required to protect the scenic quality of access routes to the beach, maintain the sense of openness characteristic of the City, preserve broad views of the ocean, and maintain a scenic corridor along Highway 1.

At the time of LUP certification in 1985, the Zoning Code had not yet been adopted as part of the LCP. However, the LUP recognized that design standards were necessary to ensure maintenance of community character, to maximize visual resources, and to mitigate potential negative effects of large new developments. In 1996, the Commission certified the City's Zoning Code based on the finding that the Code conforms with and is adequate to carry out the City's certified Land Use Plan. As certified, the Zoning Code establishes development standards for districts zoned for single-family residential development, including setbacks, coverage limits, and maximum floor area. The proposed amendment would impose stricter development standards than those already required under the Commission-certified Zoning Code and would not create inconsistencies with the Land Use Plan. These proposed standards would work together to reduce bulk and improve the visual quality of development. Furthermore, the proposed changes to the Zoning Code would guide residential development in the City to achieve the goals mentioned in the LUP. The following discussions describe zoning methods proposed by the City that are typically used to control house size, shape, bulk, and visual impact.

6.3.1 Maximum Building Envelope

The proposed maximum building envelope pertains to the development of single-family residences in single-family zoning districts (the R-1, R-1-B1, and R-1-B2 Zoning Districts). As proposed, the maximum building envelope would contain a single-family residence within an "envelope" with fixed parameters. Specifically, the maximum building envelope limits residence height to 28 feet and restricts residence shape to fit under four planes: two planes extending into the property at a 60-degree angle from 16 feet above both the front and rear setback lines, and two other planes extending into the property at a 45-degree angle from 10 feet above each side property line. **Exhibit 4** illustrates residence designs that generally exemplify the maximum building envelope concept.

The existing certified LCP does not have a maximum building envelope or daylight plane requirement and therefore does not control the location or mass of a house's second floor or tallest portion. The lack of such a requirement has resulted in single-family residences with tall walls that block daylight and air circulation of adjacent houses. As proposed, the maximum building envelope requirement would move the portions of the house above the given height away from the lot lines, thereby reducing the bulk of a single-family residence and subsequently ensuring an adequate daylight plane between adjacent residences. This proposed standard would prevent the currently allowable practice of constructing high flat walls next to smaller-scale adjacent houses.

The proposed maximum building envelope would assure that house shapes minimally impact neighboring parcels. Over time, the construction of houses conforming to the proposed standard would cumulatively enhance the visual quality of the City, consistent with Policy 30250 of the Coastal Act (adopted as a policy of the LUP by LUP Policy 1-1). Therefore, as submitted, the Commission finds that the proposed Zoning Code amendment is consistent with and adequate to carry out the policies of the certified Land Use Plan.

6.3.2 Maximum Building Height for Single-Story Residences

Currently, the Zoning Code standard sets the maximum height of a single-story house at 16 feet, but does not limit the height allowable under a height exception. Theoretically, then, a single-story house could be much taller if it can be found consistent with the exceptions to the height standard contained in Section 18.06.050 of the Zoning Code. As proposed, the City would still require approval of an exception if a single-story residence is greater than 16 feet in height and consistent with the exceptions to the height standard. However, the proposed amendment places a maximum height limit on any single-family residence *with an approved exception* to 20 feet. Thus, the proposed standard would actually impose a stricter maximum building height to single-family residences than currently contained in the Zoning Code. Because the proposed cap on single-story residence heights reduce the potential to block views and would better maintain the visual quality of the City, the proposed modification is consistent with and adequate to carry out the visual resource policies of the LUP.

6.3.3 Corner Lot Setback (Street-Facing Side Yard Setback) and Corner Lot Sight Distance

The proposed amendment includes an increase in the street-facing side-yard setback for corner lots from 10 to 20 feet for standard-sized lots. The street-facing side yard setback for severely substandard lots would be 10 feet under the proposed amendment. Currently, the LCP requires a minimum street-facing side setback of 10 feet in the R-1 and R-1-B1 zoning districts and 13 feet in the R-1-B2 zoning district. For substandard lots, the setback is based on recommendations of the City engineer for site distance and other traffic safety criteria.

The corner lot sight distance proposed under the amendment would increase the required area by moving the two points of measurement to 25 feet from the street-facing corner of the lot, and allow for increased sight distance areas on a case-by-case basis. Under the existing LCP, the two points are located 15 feet back from the street-facing lot corner.

The proposed modifications to the corner lot setback and corner lot sight distance would provide visual compatibility of corner houses with the surrounding areas and maximize visual openness by restricting the construction of houses in close proximity to public streets and sidewalks. In addition, the increased setback and sight distance would allow for better visibility for motorists approaching street intersections and provide the added benefit of increased public safety. Therefore, as submitted, the Commission finds that the proposed Zoning Code amendment is consistent with and adequate to carry out the safety and visual resource policies of the Land Use Plan.

6.3.4 New or Modified Definitions

As proposed, the amendment includes modifications to certain words in the Definitions Chapter of the Zoning Code (Chapter 18.02) in order to clarify their meanings. The definitions of *lot area*, *lot depth*, *lot width*, and *second dwelling unit* have been changed but in no way produce

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inconsistencies with the policies of the Land Use Plan. Other terms listed below need further discussion to explain the intent of the modifications in relation to consistency with the LUP. As discussed below, all proposed definition changes are consistent with and adequate to carry out the policies of the certified LUP.

Development

The proposed amendment removes the definition of *development* from Chapter 18.02, the definitions section of the Zoning Code. Because the definition contained in the chapter is not consistent with that of Section 30106 of the Coastal Act, the City proposes to eliminate it. However, the Zoning Code retains the Coastal Act definition of *development* in Chapter 18.20, Local Coastal Development Permits. Furthermore, Appendix A of the Land Use Plan includes the Coastal Act definition. Therefore, the definition of *development* remains in the LCP and its elimination from Chapter 18.02 does not create an inconsistency with the LUP.

Gross floor area

The City proposes to modify the Zoning Code definition of *gross floor area* to include basements and crawl spaces that are greater than 4 ½ feet from floor to ceiling whether improved or not, and improved attic areas. Fifty square feet of covered decks on the second floor are excluded from the gross floor area calculation. As proposed, the floor area would better approximate usable living space while eliminating the currently allowable situation in which 7 ½-foot-tall crawl spaces are not considered in the calculation of floor area yet create bulk underneath the house. The proposed amendment also excepts a portion of the basement for severely substandard lot, discussed below in Section 5.4.1.

Structure

The proposed amendment modifies the definition of *structure* to include access drives or walks and exclude infrastructure such as roads, pipes, aqueducts, telephone lines, and electric power transmission lines. Under the existing certified LCP, *structure* does not specify whether infrastructure is considered as a structure. The proposed change clarifies this ambiguity. In any event, a coastal development permit is still required for all development not exempt from permit requirements pursuant to the certified LCP.

Substandard and severely substandard lots

The proposed amendment adds definitions for *substandard lot* and *severely substandard lot* to the Zoning Code Chapter 18.02. *Substandard lot* is proposed as a lot with a width or area less than the minimum required for the relevant zoning district. The proposed residential development standards allows an administrative exception for development on those substandard lots with at least 100% of the required minimum lot area but more than 95% of the minimum required lot width in the relevant zoning district. Thus, development of single-family residences on these specific substandard lots does not require a use permit, although development on all other substandard lots require a use permit.

A *severely substandard lot* provides 55 percent or less of the required lot width or area required in the relevant zoning district. Under the existing Zoning Code, *severely substandard lot* is defined in Chapter 18.06 as any building site that provides 50% or less of the minimum lot area or width required by the underlying zoning district. Since 50% of the minimum lot area or width is currently considered severely substandard, the modification to classify severely substandard

lots at 55% of the required width or area is only a modest revision and therefore does not raise any issues of inconsistency with the policies of the LUP.

6.4 Zoning Methods to Control House Size on Substandard and Severely Substandard Lots Only

In Half Moon Bay, there are approximately 2,500 existing undeveloped small lots. Each of these lots could potentially be developed with at least one single-family residence. However, many of these lots do not meet the minimum lot area or width required by the relevant zoning district. For instance, many lots are 25 feet wide and 100 feet long and have an area of 2,500 square feet. However, the minimum lot sizes for the R-1, R-1-B1, and R-1-B2 single-family residential zoning districts are 5,000, 6,000, and 7,500 square feet, respectively, and the minimum average lot width for these districts are 50, 60, and 75 feet, respectively. The zoning methods described below propose to proportion single-family residences according to the size of the substandard and severely substandard lots on which they are located and to create design criteria that ensure compatibility with the neighboring areas. The proposed standards would work together to reduce bulk and improve the visual quality of development.

In recent years, the general trend for new single-family residences has been toward large-sized houses. As a consequence, the increased restrictiveness of the proposed development standards on substandard lots may encourage property owners to merge substandard lots in order to create a lot that conforms to the minimum lot area required by the zoning district. With a larger conforming lot, the property owner would have the ability to build a larger house consistent with the zoning district standards. The outcome of such a practice would be the retirement of at least one substandard lot on which a single-family residence could have been built. Although the main purpose of the proposed development standards is to improve the visual quality of development in the City, the standards may produce the added benefit of reducing the total number of developable lots in the City. As a result, there would be no traffic generated by development on the retired lots, reducing the potential adverse cumulative impacts on public access to the coast caused by traffic. Thus, while the proposed development standards allow for properly-sized houses on substandard lots that benefit the City's visual resources, the standards may also result in the merging of substandard lots, with a beneficial impact on traffic circulation, consistent with Coastal Act Policy 30252.

6.4.1 Proposed New Proportionality Rule

The existing certified LCP currently controls house size with standards for lot coverage and floor area ratio. (*Floor area ratio* is defined in the Zoning Code as the gross floor area of the building and parking areas on the lot divided by the area of the lot). For houses in the single-family residential districts, the maximum lot coverage for a single-story house is 50% of the total lot area. The floor area ratio also limits the maximum area of a residence to 50% of the total lot area. The maximum lot coverage for a multi-story house is 35% of the total lot area. These standards currently apply to all lots, whether they conform or not with the minimum lot size of the zoning district.

The proposed amendment adds a proportionality rule to the Zoning Code definitions that applies to substandard and severely substandard lots. The proportionality rule requires the reduction of a single-family residence's allowable coverage and floor area ratio on a substandard lot according to the ratio of the lot's actual width or area to the standard lot width or area in the relevant zoning

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district. The proportionality rule requires the calculation of two ratios: (1) actual lot area to minimum lot area required for the zoning district; and (2) actual lot width to minimum lot width required for the zoning district. The lesser ratio of the two would be used to determine the maximum lot coverage percentage and the floor area ratio for the residence. **Table 1** demonstrates the proportionality rule by comparing maximum lot coverage and maximum floor area for substandard and severely substandard lots under the current Zoning Code standards to the proposed proportionality rule.

Under the existing LCP, a lot with at least 85% of the required minimum lot area or width may receive an administrative variance to the minimum lot area and width standards. A single-family residence proposed on a substandard lot (a lot with more than 50% and less than 85% of the minimum lot area or width required by the underlying zoning district) or a severely substandard lot (a lot with 50% or less of the minimum lot area or width required by the underlying zoning district) currently requires a use permit in addition to a coastal development permit.

As proposed, the administrative variance for lots with at least 85% of the required minimum lot area or width would be eliminated. The proposed amendment would restrict administrative exceptions to the minimum lot width standards to only those lots that are within 5% of the lot width required under the specific zoning district. All substandard and severely substandard lots with less than 95% of the required lot width and less than 100% of the required lot area would require a use permit and be subject to review by the City's Architectural Review Committee. Section 5.4.2 below discusses the relationship of use permits and coastal development permits in Half Moon Bay.

The proposed amendment limits house size as a function of parcel size. By determining the allowable lot coverage and maximum floor area using the ratio between the actual lot size and the required lot size in the zoning district, the allowed house size is reduced greatly as the lot approaches the severely substandard lot size. Thus, house mass and bulk on these lots are reduced while reasonable development is still allowed. For substandard and severely substandard lots, basements with a floor area of 15% or less of the total calculated floor area, up to 225 square feet, may be allowed in excess of the allowed house size, subject to the use permit. In addition, for severely substandard lots, the proposed development standards would allow up to 200 square feet in excess of the maximum allowable floor area. As proposed, while the proportionality rule is intended to reduce overall building size of houses on substandard lots, the Zoning Code still allows for adequate living area and design flexibility.

The proposed proportionality rule would provide for structures that are scaled to their building sites, thereby reducing impacts on visual resources. Because the maximum allowable lot coverage decreases proportionally for substandard and severely substandard lots, the allowable impervious surface area would decrease as a result of the proposed standard, consequently providing potential water quality benefits consistent with Coastal Act Policy 30231 and LUP Policy 4-9. Therefore, since the proposed amendment imposes new standards for substandard and severely substandard lots that provide greater protection of visual resources and better maintain community character and mitigate potential negative effects of large new developments than currently existing standards, the Commission finds that the proposed amendment is consistent with and adequate to carry out the policies of the certified Land Use Plan.

6.4.2 Proposed New Design Guidelines

Sections 18.06.050.G, 18.06.050.H, 18.06.050.I, and 18.06.050.J of the Zoning Code address development standards for substandard and severely substandard lots. Table X of **Exhibit 2** summarizes the proposed standards, including the maximum lot coverage, floor area ratio, maximum building envelope, and the requirements for parking, setbacks, and height.

The proposed amendment includes design guidelines for development on substandard and severely substandard lots to be used in addition to the Architectural Review and Site and Design Approval chapter of the Zoning Code (Chapter 18.21). These guidelines require the location of garages in the rear yard as feasible, or design features that de-emphasize the garage if located in the front of the house. The guidelines also require the Architectural Review Committee to consider setbacks, front façade, orientation to the street, side orientation to adjacent properties, daylight plane, mass, and bulk in the determination of project compatibility with the neighboring area. As proposed, the guidelines contribute to the orderly and harmonious development of neighborhoods in the City and work to achieve minimal visual resource impacts, consistent with the policies of the Land Use Plan.

Section 18.06.050.H requires that plans for development on substandard or severely substandard lots be stamped by a California-licensed architect. This proposed requirement ensures that development is accurately contained within the maximum building envelope and complies with the residential development standards of the Zoning Code and is adequate to carry out the City's certified Land Use Plan. Therefore, the Commission finds that the proposed amendment is consistent with and adequate to carry out the policies of the City's certified Land Use Plan.

Use Permits and Coastal Development Permits

As mentioned in Section 5.4.1 above, under the proposed amendment, the development of single-family residences on all substandard and severely substandard lots with less than 95% of the required lot width and less than 100% of the required lot area would require the issuance of use permits. Chapter 18.22 of the Zoning Code contains the provisions for use permits. However, the proposed amendment adds Ordinance 18.06.050.G.3.a to the Zoning Code to require specific findings for use permits for development on substandard lots. These findings must include three components:

1. The findings required by Chapter 18.22 of the Zoning Code, contained in Ordinance 18.22.190. The ordinance states that findings for the approval of use permits require that the establishment, maintenance, and/or conducting of the use will not be detrimental to public welfare or injurious to property in the given neighborhood. The ordinance also states that any conditions to use permits must be consistent with the Zoning Code objectives regarding light, air and the public health, safety, morals, convenience and general welfare;
2. A finding that the development is consistent with all of the dimensional standards in Table X, Development Standards for Substandard and Severely Substandard Lots as proposed under this amendment; and
3. A review by the City's Architectural Review Committee of the development has been conducted, with the recommendations forwarded to the Planning Commission prior to consideration of the use permit.

Although the required findings for approval of coastal development permits (contained in Zoning Code Ordinance 18.20.070) are different from the required findings for use permits for

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development on substandard lots, the City typically combines coastal development permits with use permit applications, consistent with Zoning Code Ordinance 18.20.025. Consequently, coastal development permits are issued simultaneously with use permits and thus, use permit requirements are coextensive with coastal development permit requirements. Furthermore, since the entire City is located within the Coastal Zone, development on substandard or severely substandard lots in the City with less than 95% of the lot width and less than 100% of the lot area required by the zoning district which is not exempt as defined in Zoning Code Ordinance 18.20.030 would require both a coastal development permit and a use permit. In addition, any exemptions to coastal development permit requirements which are contained in Zoning Code Ordinance 18.20.030 for development that would take place on substandard or severely substandard lots would still undergo use permit review that would need to find consistency with the development standards proposed by this amendment. Finally, this amendment does not propose to legitimize illegal parcels, does not address the issue of parcel legality, and in no way alters the existing process for determining the legal status of property. Therefore, as proposed, the Commission finds that the proposed amendment is consistent with and adequate to carry out the policies of the certified Land Use Plan.

6.5 California Environmental Quality Act

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been designated by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed above, the County's proposal is consistent with the Land Use Plan and will not have any significant adverse environmental impacts. The Commission incorporates its findings on land use plan conformity at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse effects of the project that have been received as of the writing of this report. Therefore, the Commission finds that approval of the Zoning Code will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

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EXHIBITS

1. July 18, 2000 Half Moon Bay City Council ordinance (C-5-00) revising Zoning Code Chapters 18.02 and 18.06.
2. Text of proposed amendment (taken from the July 6, 2000 Half Moon Bay City Council agenda report) with additions underlined and deletions in ~~striketrough~~.
3. April 16, 2001 letter from Kenneth Curtis, City of Half Moon Bay Planning Director to Chris Kern.
4. Examples of single-family residence designs to demonstrate the daylight plane concept.
5. March 12, 2001 letter from Antonio Cadiz to Sara Wan.
6. February 28, 2001 letter from Sandy Paoli to Coastal Commission.
7. April 16, 2001 letter from Douglas Snow to Coastal Commission.